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16 Loss Cases*

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

1 IN RE: TOYOTA MOTOR CORP.
2 UNINTENDED ACCELERATION
3 MARKETING, SALES PRACTICES, AND
4 PRODUCTS LIABILITY LITIGATION

5 This document relates to:

6 ALL CASES

7 Case No.: 8:10ML02151 JVS (FMOx)

8 **APPENDIX OF AUTHORITIES IN
9 SUPPORT OF TOYOTA'S
10 MEMORANDUM OF POINTS AND
11 AUTHORITIES IN SUPPORT OF (1)
12 MOTION TO DISMISS
13 PLAINTIFFS' ECONOMIC LOSS
14 MASTER CONSOLIDATED
15 COMPLAINT AND (2) MOTION TO
16 STRIKE**

17 [Filed concurrently with Memorandum
18 of Points and Authorities; Motion to
19 Dismiss; Motion to Strike; Declaration of
20 Lisa Gilford; Request for Judicial Notice;
21 and [Proposed] Orders]

22 Date: November 19, 2010
23 Time: 9:00 a.m.
24 Courtroom: 10C

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26
27 Economic Loss Master Consolidated
28 Complaint filed August 2, 2010

1 **TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 Defendants Toyota Motor Sales, U.S.A., Inc., Toyota Motor North America,
3 Inc., Toyota Motor Manufacturing, California, Inc., and Toyota Motor Engineering &
4 Manufacturing North America, Inc. ("Toyota" or "Defendants") respectfully submit
5 the following Appendix of Authorities cited in Toyota's Memorandum of Points and
6 Authorities in Support of (1) Motion to Dismiss Plaintiffs' Economic Loss Master
7 Consolidated Complaint and (2) Motion to Strike:

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9 **UNPUBLISHED FEDERAL CASES**

10 EXHIBIT 1: Baba v. Hewlett-Packard Co., No. C 09-05946, 2010 WL 2486353
11 (N.D. Cal. June 16, 2010)

12 EXHIBIT 2: Baggett v. Hewlett-Packard Co., No. SACV07-0667, 2009 WL
13 3178066 (C.D. Cal. Sept. 29, 2009)

14 EXHIBIT 3: Bishop v. Saab Auto A.B., No. CV95-0721, 1996 WL 33150020,
15 at *5 (C.D. Cal. Feb. 16, 1996)

16 EXHIBIT 4: Brothers. v. Hewlett-Packard Co., No. C-06-02254, 2007 WL
17 485979 (N.D. Cal. Feb. 12, 2007)

18 EXHIBIT 5: Brownfield v. Bayer Corp., 2:09-cv-00444, 2009 WL 1953035
19 (E.D. Cal. July 6, 2009)

20 EXHIBIT 6: Contreras v. Toyota Motor Sales USA, Inc., No. C 09-06024, 2010
21 WL 2528844

22 EXHIBIT 7: Crouch v. Johnson & Johnson Consumer Cos., Inc., et al, [docket
23 cite], 2010 WL 1530152, at *[] (D.N.J. Apr. 15, 2010)

24 EXHIBIT 8: Doe 1 v. AOL, LLC, No. C 06-5866, 2010 WL 2524494 (N.D.
25 Cal. June 22, 2010)

26 EXHIBIT 9: Fraker v. KFC Corp., No. 06-CV-01284, 2007 WL 1296571

27 EXHIBIT 10: Friedman v. Gen. Motors Corp., No. 08 Civ. 2458, 2010 WL
28 2540950, at *5 (S.D.N.Y. June 22, 2010)

1 EXHIBIT 11: Gertz v. Toyota Motor Corporation, No. CV 10-1089 PSG (VBKx)
2 (C.D. Cal. September 10, 2010)

3 EXHIBIT 12: Gonzalez v. EJ Mortg., Inc., No. 09-cv-2812, 2010 WL 1996609
4 (S.D. Cal. May 17, 2010)

5 EXHIBIT 13: Grupo Sistemas Integrales de Telecomunicacion S.A. de C.V. v.
6 AT&T Commc'ns, Inc., No. 92 CIV. 7862, 1996 WL 312535
7 (S.D.N.Y. June 10, 1996)

8 EXHIBIT 14: Harlan v. Roadtreck Motorhomes, Inc., No. 07-CV-686, 2009 WL
9 928309 (S.D. Cal. Apr. 2, 2009)

10 EXHIBIT 15: Hovsepian v. Apple, Inc., No. 08-5788, 2009 WL 5069144 (N.D.
11 Cal. Dec. 17, 2009)

12 EXHIBIT 16: In re Actimmune Mktg. Litig., No. C 08-02376, 2009 WL 3740648
13 (N.D. Cal. Nov. 6, 2009)

14 EXHIBIT 17: In re Facebook PPC Adver. Litig., 09-cv-03043, 2010 WL
15 1746143 (N.D. Cal. Apr. 22, 2010)

16 EXHIBIT 18: In re Heritage Bond Litig., MDL Case No. 02-ML-1475 DT, 2003
17 WL 25779465, *5 (C.D. Cal. Aug. 18, 2003)

18 EXHIBIT 19: In re Hydroxycut Mktg. & Sales Practices Litig., No. 09-md-2087,
19 2010 WL 2232151 (S.D. Cal. June 3, 2010)

20 EXHIBIT 20: In re OnStar Contract Litig., No. 07-MDL-1867, 2010 WL
21 3516691 (E.D. Mich. Aug. 25, 2010)

22 EXHIBIT 21: Lilly v. Ford Motor Co., No. 00C7372, 2002 WL 84603 (N.D. Ill.
23 Jan. 22, 2002)

24 EXHIBIT 22: Long v. Hewlett-Packard Co., No. 06-02816, 2007 WL 2994812

25 EXHIBIT 23: Mack Boring & Parts, Co. v. Novis Marine, Ltd., No. 06-2692,
26 2008 WL 4371769

27 EXHIBIT 24: McKinniss v. Gen. Mills, Inc., No. CV 07-2521, 2007 WL
28 4762172 (C.D. Cal. Sept. 18, 2007)

1 EXHIBIT 25: Morris v. BMW of N. Am., LLC, No. C 07-02827, 2007 WL
2 3342612 (N.D. Cal. Nov. 7, 2007)

3 EXHIBIT 26: NVIDIA GPU Litig., No. C 08-04312, 2009 WL 4020104, at *6
4 (N.D. Cal. Nov. 19, 2009)

5 EXHIBIT 27: Rivera v. Bio Engineered Supplements & Nutrition, Inc., No.
6 SACV-07-1306, 2008 WL 4906433

7 EXHIBIT 28: Salinas v. City of San Jose, No. C09-04410, 2010 WL 725803
8 (N.D. Cal. Feb. 26, 2010)

9 EXHIBIT 29: Sheris v Nissan N. Am., Inc., No. 07-2516, 2008 WL 2354908
10 (D.N.J. June 3, 2008)

11 EXHIBIT 30: Starr-Gordon v. Mass. Mut. Life Ins. Co., No. Civ. S-03-68, 2006
12 WL 3218778 (E.D. Cal. Nov. 7, 2006)

13 EXHIBIT 31: Stearns v. Select Comfort Retail Corp., No. 08-2746 JF (PVT),
14 2010 WL 2898284 (N.D. Cal. July 21, 2010)

15 EXHIBIT 32: Stearns v. Select Comfort Retail Corp., No. 08-2746-JF, 2009 WL
16 1635931 (N.D. Cal. June 5, 2009)

17 EXHIBIT 33: Sw. Eng'g, Inc. v. Yeomans Chicago Corp., No. 09-cv-110, 2009
18 WL 3720374 (S.D. Cal. Nov. 3, 2009)

19 EXHIBIT 34: Talalai v. Cooper Tire & Rubber Co., No. 00CV5694, 2001 WL
20 1877265 (D.N.J. Jan. 8 2010)

21 EXHIBIT 35: Tietsworth v. Sears, No. 5:09-cv-00288, 2010 WL 1268093 (N.D.
22 Cal. Mar. 21, 2010)

23 EXHIBIT 36: Tietsworth v. Sears, Roebuck & Co., 09-CV-00288, 2009 WL
24 3320486 (N.D. Cal. Oct. 13, 2009)

25 EXHIBIT 37: Whitson v. Bumbo, No. C07-05597, 2009 WL 1515597 (N.D. Cal.
26 Apr. 16, 2009)

27 EXHIBIT 38: Wolph v. Acer Am. Corp., No. C 09-01314 JSW, 2009 WL
28 2969467, at *4 (N.D. Cal. Sept. 14, 2009)

UNPUBLISHED AND NON-CALIFORNIA STATE CASES

EXHIBIT 39: Coker v. DaimlerChrysler Corp., No. 01CVS1264, 2004 WL 32676 (N.C. Super. Jan. 5, 2004)

EXHIBIT 40: Falcon Tankers, Inc. v. Litton Sys., Inc., 300 A.2d 231 (Del. Super. Ct. 1972)

EXHIBIT 41: Ford Motor Credit Co. v. Mellor, 748 S.W.2d 410 (Mo. Ct. App. 1988)

EXHIBIT 42: Gasque v. Mooers Motor Car Co., 227 Va. 154, 313 S.E.2d 384 (1984)

EXHIBIT 43: *Gast v. Rogers-Dingus Chevrolet*, 585 So. 2d 725 (Miss. 1991)

EXHIBIT 44: Golembieski v. O'Rielly R.V. Ctr., Inc., 147 Ariz. 134, 708 P.2d 1325 (Ct. App. 1985)

EXHIBIT 45: Henderson v. Chrysler Corp., 191 Mich. App. 337, 477 N.W.2d 505 (1991)

EXHIBIT 46: In re ConAgra Peanut Butter Prods. Liab. Litig., No. 1:07-md-1845-TWT 2008 WI 2132233

EXHIBIT 47: J.A. Indus., Inc. v. All Am. Plastics, Inc., 133 Ohio App. 3d 76, 726 N.E.2d 1066 (1999)

EXHIBIT 48: Jenkins v. Gen. Motors Corp., 240 Ga. App. 636, 524 S.E.2d 324 (1999)

EXHIBIT 49: Mydlach v. DaimlerChrysler Corp., 226 Ill. 2d 307, 875 N.E.2d 1047 (2007).

EXHIBIT 50: Palmucci v. Brunswick, Corp., 311 N.J. Super. 607, 710 A.2d 1045 (1998)

EXHIBIT 51: *Seekings v. Jimmy GMC of Tucson, Inc.*, 130 Ariz. 596, 638 P.2d 210 (1981).

EXHIBIT 52: *Smyser v. W. Star Trucks Corp.*, 247 Wis. 2d 282, 634 N.W.2d 134 (Ct. App. 2001).

1 EXHIBIT 53: Thiedemann v. Mercedes-Benz USA, LLC

2 183 N.J. 234, 872 A.2d 783 (2005)

3

4 **OTHER AUTHORITIES**

5 EXHIBIT 54: Washington Post, Sept. 6, 2010, WLNR 17712974, "Sudden
6 Acceleration: Human Error Could Be the Cause"

7 EXHIBIT 55: Automotive News, August 16, 2010, 2010 WLNR 16515704, So
8 Far, Toyota Electronics Are Passing Muster"

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10 Dated: September 13, 2010

/s/ Lisa Gilford

11 By: _____

12 Lisa Gilford

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